

Serial No.: 09/992,024

### REMARKS

Applicant's invention is set forth in the pending claims.

In the Official Action mailed April 20, 2004, the Examiner requires a new title which is clearly indicative of the invention to which the claims are directed.

The Examiner further rejects the claims under 35 USC 112 ¶2. In that regard, the Examiner states that the rejection is based on presence of the limitation "said apparatus protection data" at line 21 of claim 1.

Additionally, the Action rejects the claims under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,212,329 B1 "and its 35 continuations." Addressing the rejections, *seriatem*, applicant submits as follows.

Upon reviewing the Examiner's requirement, the claims and the disclosure, applicant provides herein a new title which is believed more closely to correspond to the subject matter recited in the claims.

Additionally, claim 1 is amended to eliminate the basis for objection for insufficient antecedent basis for the noted limitation, thus eliminating said basis. However, notwithstanding the foregoing amendment, it is courteously submitted that reconsideration of the rejection based on 35 USC 112 ¶2 is in order, as an assertion of "insufficient antecedent basis" does not rise to the level of a statutory rejection under 35 USC 112.

More specifically, 35 USC 112 ¶2 requires that "the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

Serial No.: 09/992,024

The Action merely refers to "insufficient antecedent basis". Applicant respectfully submits that the claim recitation, as is easily appreciated by one of ordinary skill in the art who has read the specification, clearly points out and distinctly claims the inventive subject matter. Indeed, whether or not the claims include "insufficient antecedent basis", such an assertion fails to demonstrate a statutory deficiency in the claims, or to demonstrate that the claims fail to meet the requirement for "pointing out and distinctly claiming the subject matter".

In any case, upon entry of the amendment, the basis for objection to the claims will have been overcome.

Upon review of the claim language, and to assure no further assertions of indefiniteness or lack of compliance with 35 USC 112, applicant further amends the claims as follows.

Referring to the lines as numbered herein, it is noted that at the first line of paragraph 5 of claim 1, as well as at the second line of each of paragraphs 2 and 3 of claim 4, there is recited "said medium protection data." However, at lines 4, 18, 20 and 23 in claim 1, as well as at the second line of each of claims 2-3, there is recited "protection data" or "said protection data." Therefore, in order to avoid confusion, applicant hereby amends the claims further, to use the phrase "medium protection data" consistently throughout the recitations.

As to the rejection under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,212,329 B1 and its "35" continuations, it is noted that the present application is one of the 35 continuations. Therefore, as it is clear

Serial No.: 09/992,024

that the Examiner did not intend to reject the present application for obviousness-type double patenting over itself, a Terminal Disclaimer is filed herewith and identifies the '329 patent and its 34 *other copending* applications, thereby to overcome the rejection.

Having thus eliminated or overcome all bases for rejection of or objection to the application or any of its components, and in view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,  
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